

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVID ALLEN FUNDERBURK,	:	
Plaintiff,	:	
v.	:	Case No. 3:10-cv-200-KRG-KAP
JOHN YOST, WARDEN, F.C.I.	:	
LORETTO, <u>et al.</u> ,	:	
Defendants	:	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on January 18, 2012, docket no. 57, recommending that the defendants' motion for summary judgment, docket no. 21, be granted.


The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had fourteen days to file written objections to the Report and Recommendation. After an extension of time, plaintiff filed partial objections that are meritless. Plaintiff's motion for a further extension of time to file additional objections was denied.

After de novo review of the record of this matter, the Report and Recommendation, and the objections thereto, the following order is entered:

AND NOW, this 7<sup>th</sup> day of March, 2012, it is

ORDERED that the defendants' motion for summary judgment, docket no. 21, is granted. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall enter judgment for the defendants and mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record and by U.S. Mail to:

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